

C A N A D A

SUPERIOR COURT  
(Class Action)

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

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MARY ANNE MARSHALL

NO: 500-06-000462-099

PETITIONER

-vs-

TICKETSNOW ENTERTAINEMENT GROUP  
INC.,  
-and-  
TICKETMASTER ENTERTAINEMENT INC.,  
-and-  
TICKETMASTER CANADA LTD.,  
-and-  
PREMIUM INVENTORY INC.

RESPONDENTS

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**MOTION FOR APPROVAL OF A NOTICE TO MEMBERS AND TO FIX THE DATE  
AND TIME OF HEARING OF A MOTION FOR AUTHORISATION OF A CLASS  
ACTION AND FOR APPROVAL OF A TRANSACTION**  
(Articles 1025, 1045 et 1046 C.C.P.)

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**TO THE HONOURABLE JUSTICE MARK G. PEACOCK OF THE SUPERIOR COURT  
OF THE DISTRICT OF MONTREAL, PETITIONER DECLARES:**

1. The Parties have reached an agreement with respect to the settlement of the Secondary Market Claims in this action and in :
  - *Murray v. TicketsNow and others*, ABQB No. 0901-02400 (Judicial District of Calgary);
  - *Labossiere v. TicketsNow and others*, MBQB Action No. CI-09-01-60049 (Winnipeg Centre);
  - *Krajewski and others v. TNOW Entertainment Group, Inc. and others*, ONSC No. CV-09-371983-00CP (Toronto) ;

The whole as appears from a copy of the Proposed Settlement produced herewith as **Exhibit R-1**;

2. By this R-1 Proposed Settlement, the Parties wish to settle and finally resolve the proposed Quebec class action;
3. Unless indicated otherwise, the defined terms used in this Motion have the same meaning as that ascribed to them in the R-1 Proposed Settlement;
4. Petitioner wishes to set a date for the hearing of a motion to obtain (i) authorization, for settlement purposes only, of the Québec class action, (ii) approval of the R-1 Proposed Settlement, and (iii) approval of Class Counsel's fees;
5. Petitioner wishes to give notice to the Settlement Class of the terms of the R-1 Proposed Settlement, and of the date, time and place of the hearing for authorization, approval of the Proposed Settlement and approval of Class Counsel fees;
6. Copies of the proposed Notice to members in English and French are filed as **Exhibit R-2**;
7. The R-1 Proposed Settlement contemplates that certain noticing and administration obligations will be discharged by Garden City Group Inc ("GCG") as the Settlement Administrator;
8. Petitioner suggests that Pre-Approval Notice be provided to the Settlement Class Members in accordance with the terms of the R-1 Proposed Settlement, in the form which is attached as Exhibit R-2, or in such other form as may be ordered by the Court, within 30 days from the date when the last Pre-Approval Order is made, by the following means:
  - (i) The Settlement Administrator will deliver a copy of the Pre-Approval Notice to each Settlement Class Member by email, using the email address that each Settlement Class Member used in purchasing his or her most recently purchased Ticket(s) through the TicketsNow Website, as follows:
    1. the English version of the Pre-Approval Notice will be sent to all Settlement Class Members; and
    2. the French version of the Pre-Approval Notice will be sent to all Settlement Class Members who purchased a Quebec Ticket or for whom the last contact information shows a Quebec address;

- (ii) The Respondents will publish the Pre-Approval Notice once in English on a Saturday in the Arts section of *The Montreal Gazette*, in addition to the publication in English on a Saturday in the Review section of the national edition of the *Globe & Mail*, both in a size not smaller than 1/6 of a page;
- (iii) The Respondents will publish the Pre-Approval Notice once in French on a Saturday in the Arts section of *La Presse*, in a size not smaller than 1/6 of a page;
- (iv) A press release referring to the Pre-Approval Notice may be issued in English and French in a form and at a time to be agreed to by the Parties and approved by the Courts;
- (v) Class Counsel will send a copy of the Pre-Approval Notice by email or regular mail to all persons purporting to be Settlement Class Members who contact them in respect of any of the Proposed Class Actions and provided contact information, as follows:
  - 1. the English version of the Pre-Approval Notice will be sent to all Settlement Class Members; and
  - 2. a French version of the Pre-Approval Notice will be sent to all Settlement Class Members who indicate they have purchased a Quebec Ticket and for whom the last contact information shows a Quebec address;
- (vi) Class Counsel will post a copy of the Pre-Approval Notice in English and French on the Class Action Website and on their respective firms' websites;
- (vii) Class Counsel will post a link to an electronic version of the Pre-Approval Notice on Facebook and on Twitter in English and French;
- (viii) Class Counsel will ask that a copy of the Pre-Approval Notice be posted in English and French with the case information on the CBA's National Class Action Database; and
- (ix) Class Counsel will provide a copy of the Pre-Approval Notice in English or French to any person who requests it.

9. Petitioner proposes that within 30 days from the date when the last Pre-Approval Order is made, the Respondents and the Settlement Administrator will provide written confirmation to Class Counsel that Pre-Approval Notice was disseminated in accordance with paragraphs 8 (i), (ii) and (iii) of this Judgment;

10. The Respondents have agreed to pay for the costs associated with the Settlement Administrator's fulfillment of its role as settlement administrator, including the costs of disseminating Pre-Approval Notice pursuant to subparagraphs 8(i), (ii) and (iii) above, and subparagraph 8(iv) above if a press release is issued, only;
11. The parties propose that Pre-Approval Notice be disseminated within 30 days from the date when the last Pre-Approval Order is made;
12. The Petitioner proposes that any Settlement Class Member seeking to comment or object to the terms of the Proposed Settlement must do so in writing to Normand Painchaud at [n.painchaud@sfpavocats.ca](mailto:n.painchaud@sfpavocats.ca) or to Luciana P. Brasil at [lbrasil@branmac.com](mailto:lbrasil@branmac.com) at least 7 days prior to the Approval Hearing;
13. A similar motion for pre-approval was made and granted in the Ontario action on February 15, 2012, and a copy of the Order issued by that Court is appended to this Motion as **Exhibit R-3**;
14. As appears from the Ontario Order R-3, the final approval hearing in Ontario was scheduled for June 29, 2012;
15. The parties suggest a final approval hearing in Quebec during the week of July 9, 2012 or later;
16. Similar applications will also be made in Alberta and Manitoba, where similar proceedings were commenced;
17. The present motion is in the interest of justice and of the members of the group;

**FOR THESE REASONS:**

**APPROVE** the pre-approval notice to Settlement Class Members (Exhibit R-2);

**ORDER** that the pre-approval Notice be provided to the Settlement Class Members in accordance with the terms of the Proposed Settlement and in the form attached to the motion as Exhibit R-2;

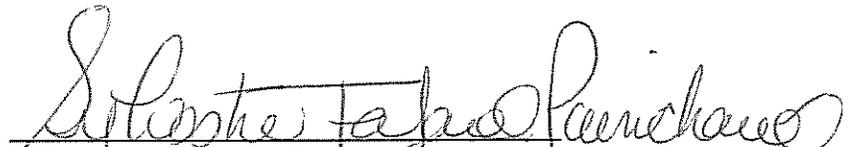
**FIX** the date, time, place for the hearing of the Motion for authorization, approval of the Proposed Settlement and approval of Class Counsel fees for <date and time> in Montréal, Québec;

**APPOINT** Garden City Group Inc. as the Settlement Administrator;

**ORDER** that any Settlement Class Member seeking to comment or object to the terms of the Proposed Settlement must do so in writing to Normand Painchaud at [n.painchaud@sfpavocats.ca](mailto:n.painchaud@sfpavocats.ca) or to Luciana P. Brasil at [lbrasil@branmac.com](mailto:lbrasil@branmac.com) at least 7 days prior to the Approval Hearing;

**THE WHOLE** without costs.

MONTREAL, FEBRUARY 22, 2012

  
**Sylvestre, Fafard, Painchaud**  
Attorneys for the Petitioner

## NOTICE OF PRESENTATION

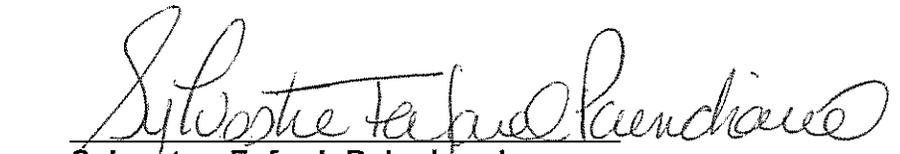
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Me Christopher L. Richer  
**Woods LLP**  
2000 avenue McGill Collège  
Suite 1700  
Montreal (Quebec)  
H3A 3H3

**TAKE NOTICE** that the present *motion for approval of a notice to members and to fix the date and time of hearing of a motion for authorisation of a class action and approval of a transaction* will be heard before the Honourable Justice Mark G. Peacock, on **March 1<sup>st</sup>, 2012, at 9:30 am**, in a room to be determinate by the Court at the Court House of Montreal, 1, east Notre-Dame, Montreal.

**GOVERN YOURSELF ACCORDINGLY.**

MONTREAL, FEBRUARY 22, 2012

  
**Sylvestre, Fafard, Painchaud**  
Attorneys for the Petitioner